

# Exhibit H

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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SCANVINSKI JEROME HYMES,

Plaintiff,

vs.

Case No. 3:16-cv-04288-JSC

MILTON BLISS; VICTOR M.  
SANCHEZ, JOSEPH A. LEONARDINI;  
SCOTT NEU; EUGENE A. JONES;  
PAUL TIMPANO; PIERRE A. GRAY,

Defendants.

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THE VIDEOTAPED DEPOSITION OF OFFICER PIERRE A. GRAY

Thursday, August 16, 2018

Reported by: Patricia Rosinski, CSR #4555

CLARK REPORTING & VIDEO CONFERENCING  
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2

3 FOR THE PLAINTIFF:

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20 FOR THE DEFENDANTS:

21 CITY AND COUNTY OF SAN FRANCISCO  
22 OFFICE OF THE CITY ATTORNEY  
23 By: RENEE E. ROSENBLIT  
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26

27 And there also being present:

28 Steve Zavattero, Legal Videographer

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30 24 ---oOo---

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1 A. I responded to the EOC, and he told me to  
2 suit up, and we were going to extract Mr. Hymes.

3 Q. Did he give a reason that you were going to  
4 extract Mr. Hymes?

10:31AM 5 A. I don't remember the reason.

6 Q. Do you remember if he gave you a reason?

7 A. I don't. Not off the top of my head, no.

8 Q. So you don't remember if he gave you a  
9 reason, and you don't remember what that reason was  
10 if he gave it?

11 MS. ROSENBLIT: Objection. Asked and  
12 answered. Compound.

13 You can still answer.

14 THE WITNESS: Okay.

10:32AM 15 So he did give a reason. I don't remember  
16 what the reason was. Is that better?

17 MS. HENRY: Thank you.

18 THE WITNESS: Uh-hum.

19 MS. HENRY: Q. And after he told you to

20 suit up and that you were going to extract  
21 Mr. Hymes, what happened next?

22 A. During suiting up, he gave us a briefing.

23 Q. And what did Sergeant Bliss say during the  
24 briefing?

10:32AM 25 A. He read what classification told him about

1 Mr. Hymes.

2 Q. What did he say about that?

3 A. He said, "According to classification,

4 Mr. Hymes likes bait the deputies in to S.O.R.T. and  
10:33AM 5 extract him from a cell, and while he's being moved  
6 to somewhere else, he likes to kick out the  
7 deputies', or whoever is escorting him, knees from  
8 the side. So watch yourself. Be aware."

9 Q. And after Sergeant Bliss said that, what  
10:33AM 10 happened next?

11 A. I believe he told us our assignments.

12 Q. And what were the assignments?

13 A. I know my assignment. I can't speak for  
14 everyone else.

10:33AM 15 My assignment was the shield. I was  
16 Number 1. Behind me was Deputy Neu. After that, I  
17 don't know how it went all the way back.

18 Q. And what was Neu's assignment?

19 A. I believe Neu would be arm.

10:34AM 20 Q. Which arm?

21 A. I believe right.

22 Q. And you don't know who was assigned what  
23 role beyond --

24 A. No.

10:34AM 25 Q. -- the right arm and the shield?

1 Counsel, if you agree, he's demonstrating that he --  
2 crossed the ankles?

3 THE WITNESS: Yes.

4 MS. ROSENBLIT: Is that right?

11:35AM 5 THE WITNESS: Yes, crossed the ankles.

6 MS. HENRY: I'd like to mark this as an  
7 exhibit, please, Exhibit 1.

8 (Whereupon, Plaintiff's Exhibit 1 was  
9 marked for identification and is attached  
11:35AM 10 hereto.)

11 MS. HENRY: Q. So before you controlled  
12 his legs, did he do anything you would consider  
13 trying to fight?

14 MS. ROSENBLIT: Objection. Vague.

11:36AM 15 THE WITNESS: Yes.

16 MS. HENRY: Q. Please describe that.

17 A. Just thrashing around on the floor. I  
18 wouldn't say -- I don't know if he was trying to  
19 keep them from grabbing on him or what, but he was  
11:36AM 20 just thrashing around on the floor when we first  
21 went down.

22 Q. So in terms of thrashing, does that mean --  
23 I see on the video you're moving your shoulders back  
24 and forth.

11:36AM 25 A. Right.

1 Q. Can you describe for the written record  
2 what "thrashing" means?

3 A. Moving shoulders -- shoulders back and  
4 forth, like you said, trying to get up.

11:36AM 5 Q. Trying to stand?

6 A. Or trying to knee up, get up. Trying to  
7 get off the floor.

8 Q. And was anyone else touching him at the  
9 time he was trying to get to his knees or stand?

11:37AM 10 A. I believe everyone was trying to get ahold  
11 of their assigned positions. So people were trying  
12 to get ahold of his arms. People -- I was trying to  
13 get ahold of his legs. And once I did that, you  
14 know, a lot of the thrashing stopped because he  
15 couldn't move back and forth.

16 Q. So before you got ahold of his legs, did he  
17 do anything other than moving his shoulders back and  
18 forth?

19 A. Well, he -- like I said earlier, prior to  
20 this question, he was laying on his side and turned  
21 over with his own momentum trying to get up.

22 Q. And anything other than turning from his  
23 side and moving his shoulders back and forth before  
24 you --

11:37AM 25 A. Kicking.

1 Q. Can you describe the kicks?  
2 A. Well, you know, just more so trying to get  
3 momentum with his legs.

11:37AM 4 Q. So he was kicking to gain momentum with his  
5 legs.

6 How close together were his legs shackled  
7 at the time?

8 A. I'm not sure. Maybe, what, 24 inches?  
9 2 feet?

10 Q. So he would have been able to move his legs  
11 independently?

12 A. Yes.

13 Q. And was he moving his legs independently?

14 A. Yes.

15 Q. And was he moving his legs independently  
16 when he moved to his stomach?

17 A. Yes.

18 Q. And did any other deputies try to turn him  
19 to gain control at that time?

20 11:38AM MS. ROSENBLIT: Objection. May call for  
21 speculation.

22 THE WITNESS: I don't know.

23 23 MS. HENRY: Q. Did you see any deputies  
24 trying to turn him to gain control?

25 11:39AM A. No. I was focused on the legs.

1 A. Yes.

2 Q. And the numbers, Team Number 1 through 4 or  
3 5?

4 A. Yes.

02:30PM 5 Q. Was there also conversation about what  
6 weapons would be -- I don't want to say "use," but  
7 available and present?

8 A. Yes.

9 Q. And was there a conversation about which  
02:30PM 10 deputy or deputies would be holding the weapons?

11 A. Yes.

12 Q. Was there also conversation about risk  
13 factors of Mr. Hymes?

14 A. Yes.

02:30PM 15 Q. And a plan for the extraction?

16 A. Yes.

17 Q. And what was the plan for the extraction?

18 A. The plan was to go in, subdue, and extract.

19 Q. Thank you.

02:31PM 20 Switching gears for a moment, on the  
21 morning of July 24th, 2014, did you attend a muster?

22 A. Yes.

23 Q. What is "muster"?

02:31PM 24 A. "Muster" is a briefing for the oncoming  
25 staff of events that went on the prior watch and the

1 watch before that.

2 Q. At the muster on the morning of July 24th,  
3 2014, did you receive any information about  
4 Scanvinski Hymes?

02:31PM 5 A. Yes.

6 Q. What did you learn?  
7 A. That he had been yelling obscenities all  
8 night long. He had been talking about every deputy  
9 back there and trying to bait them into doing, I  
02:31PM 10 guess, stuff to them, and basically that Mr. Hymes  
11 was a very sophisticated in- -- inmate.

12 Q. Did you learn anything else?  
13 A. I think, there, we were briefed on the fact  
14 that he likes to be extracted, and he likes to  
02:32PM 15 injure people when -- when he is extracted.

16 Q. Did you learn any information about how he  
17 likes to injure people?

18 A. Yes. He likes to kick out -- after the  
19 extract, while he's walking and everyone is okay, he  
02:32PM 20 likes to kick people's knees from the side. End  
21 their careers, we were told.

22 Q. What do you mean "end their careers"?

23 A. Well, breaking their knees so that  
24 they're -- they can't come back to work. You know,  
02:32PM 25 injury that might retire them out.

1 Q. Did you learn that Mr. Hymes had done this  
2 previously?

3 A. Yes, in CDC.

4 Q. Do you recall if you learned anything about  
02:32PM his CDC points?

6 A. No.

7 Q. Is there anything else that you learned  
8 about Mr. Hymes at muster that you can remember as  
9 you sit here today?

02:33PM 10 A. No, just those things.

11 Q. And, then, we already discussed this  
12 morning what you learned at the briefing prior to  
13 the S.O.R.T. extraction.

14 A. Correct. It was along the same lines of  
02:33PM 15 information.

16 Q. Are there any other times in which you  
17 learned information about Mr. Hymes prior to the  
18 S.O.R.T.?

19 A. No.

02:33PM 20 MS. ROSENBLIT: That's all I have.

21 MS. HENRY: That's it.

22 THE VIDEOGRAPHER: Here marks the end of  
23 Disc Number 2 in the dep- -- in the deposition of  
24 Pierre A. Gray. The original videos will be  
02:33PM 25 retained by Eureka Street Legal Video.

1 REPORTER'S CERTIFICATE

2 STATE OF CALIFORNIA )  
3 COUNTY OF MARIN ) SS.

4 I, PATRICIA ROSINSKI, hereby certify:

5 That I am a Certified Shorthand Reporter in  
6 the State of California. That prior to being  
7 examined, OFFICER PIERRE A. GRAY, the witness named  
8 in the foregoing deposition, was by me duly sworn to  
9 testify the truth, the whole truth, and nothing but  
10 the truth; That said deposition was taken pursuant  
11 to Notice of Deposition and agreement between the  
12 parties at the time and place therein set forth and  
13 was taken down by me in stenotype and thereafter  
14 transcribed by me by computer and that the  
15 deposition is a true record of the testimony given  
16 by the witness.

17 I further certify that I am neither counsel  
18 for either, nor related in any way to any party to  
19 said action, nor otherwise interested in the result  
20 or outcome thereof.

21 Pursuant to Federal Rules of Civil Procedure,  
22 Rule 30(e), review of the transcript was not requested  
23 before the completion of the deposition.

19th day of August, 2018